

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 270
(Draft 4)

ORDINANCE NO. 96 76

AN ORDINANCE AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-3:74.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 25-114, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waiakea, South Hilo, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the north corner of this parcel of land, being the northwest corner of Lot 3 and being also the southeast corner of Lot 66, "Ahualani Subdivision," Unit I, File Plan 1453, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 14,145.37 feet south and 257.67 feet east, thence running by azimuths measured clockwise from true South:

1. 355° 40' 315.36 feet along Lot 3;
2. 85° 40' 176.85 feet along Lot 4-B;
3. 355° 40' 54.37 feet along Lot 4-B;
4. Thence along Lot 4-B, along a curve to the right with a radius of 10.00 feet, the chord azimuth and distance being: 40° 40' 14.14 feet;
5. 85° 40' 120.00 feet along Lot 4-B;
6. 175° 40' 92.07 feet along Lot 4-B;

- | | | | |
|----|----------|--------|---|
| 7. | 85° 40' | 120.71 | feet along Lot 4-B; |
| 8. | 175° 40' | 287.66 | feet along Lot 10, Lot 9 and Lot 8 of "Haihai Estates," Unit II, File Plan 1796; |
| 9. | 265° 40' | 427.56 | feet along Lot 82, Kikaha Street and Lot 66 of "Ahualani Subdivision," Unit I, File Plan 1453 to the point of beginning and containing an area of 3.2102 acres, more or less. |

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. This change in district classification is conditioned upon the following:

- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance.
- C. Final Subdivision Approval of the proposed subdivision development shall be secured within five (5) years from the effective date of this ordinance.
- D. Drainage improvements, if required, shall be constructed in a manner meeting with the approval of the Department of Public Works prior to the issuance of Final Subdivision Approval.
- E. Kikaha Street shall be extended through the subject property with a 32-foot wide dedicable pavement within a 50-foot right-of-way with concrete curbs, gutters and sidewalks meeting with the approval of the Department of Public Works. The applicant shall construct all other proposed roadways with a 32-foot wide

dedicable pavement within a 50-foot right-of-way with concrete curb, gutter and sidewalk improvements meeting with the approval of the Department of Public Works and dedicate all roadways to the County of Hawaii.

- F. Should any remains of historic sites such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the director in consultation with the Department of Land and Natural Resources - Historic Preservation Division when it finds that sufficient mitigative measures have been taken.
- G. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- H. The applicant shall make its fair share contribution to mitigate the potential regional impacts of the subject property with respect to fire, police, solid waste disposal facilities, and roads. The amount of the fair share contribution shall be the sum which is the product of multiplying the number of residential lots proposed to be subdivided by the amounts allocated hereinbelow for each such lot, and shall become due and payable prior to final subdivision approval for any portion of the subject property or its increments. If the subject property is subdivided in two or more increments, the amount of the fair share contribution due and payable prior to final subdivision approval of each increment shall be a sum calculated in the same manner according to the number of additional proposed residential lots in each such increment. The fair share contribution may be in a form of cash, land, facilities, or any combination thereof acceptable to the director in consultation with the affected agencies. The fair share contribution

shall have a maximum combined value of **\$3,748.31 per lot**. Based upon the applicant's representation of intent to subdivide and develop up to eleven (11) residential lots, the indicated total fair share contribution is **\$41,231.41**, however, the total amount shall be increased or reduced in proportion with the actual number of subdivided lots according to the calculation and payment provisions set forth in this Condition H. The fair share contribution shall be allocated as follows:

1. \$168.40 per lot, for an indicated total of **\$1,852.40** to the County to support police facilities;
2. \$332.61 per lot, for an indicated total of **\$3,658.71** to the County to support fire facilities;
3. \$145.62 per lot, for an indicated total of **\$1,568.82** to the County to support solid waste facilities;
4. \$3,101.68 per lot, for an indicated total of **\$34,118.48** to the State or County to support road and traffic improvements.

The fair share contributions described above shall be adjusted annually beginning three years after the effective date of the change of zone, based on the percentage change in the Honolulu Consumer Price Index (HCPI). In lieu of paying the fair share contribution, the applicant may construct and contribute improvements/facilities related to fire, police, solid waste disposal facilities, and roads within the region impacted by the proposed development, subject to the approval of the director. The cost of constructing the improvements and the fair market value of land contributed required in Conditions E, shall be credited against the sum specified in Condition H(5) for road and traffic improvements. For purposes of administering Condition H, the fair market value of land

contributed or the cost of any improvements required or made in lieu of the fair share contribution shall be subject to the review and approval of the director, upon consultation with the appropriate agencies;

- I. An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:
 1. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
 2. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 3. Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone.
 4. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

- J. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Jakobi Domingo

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 3, 1996
Date of 1st Reading: June 3, 1996
Date of 2nd Reading: June 19, 1996
Effective Date: June 27, 1996

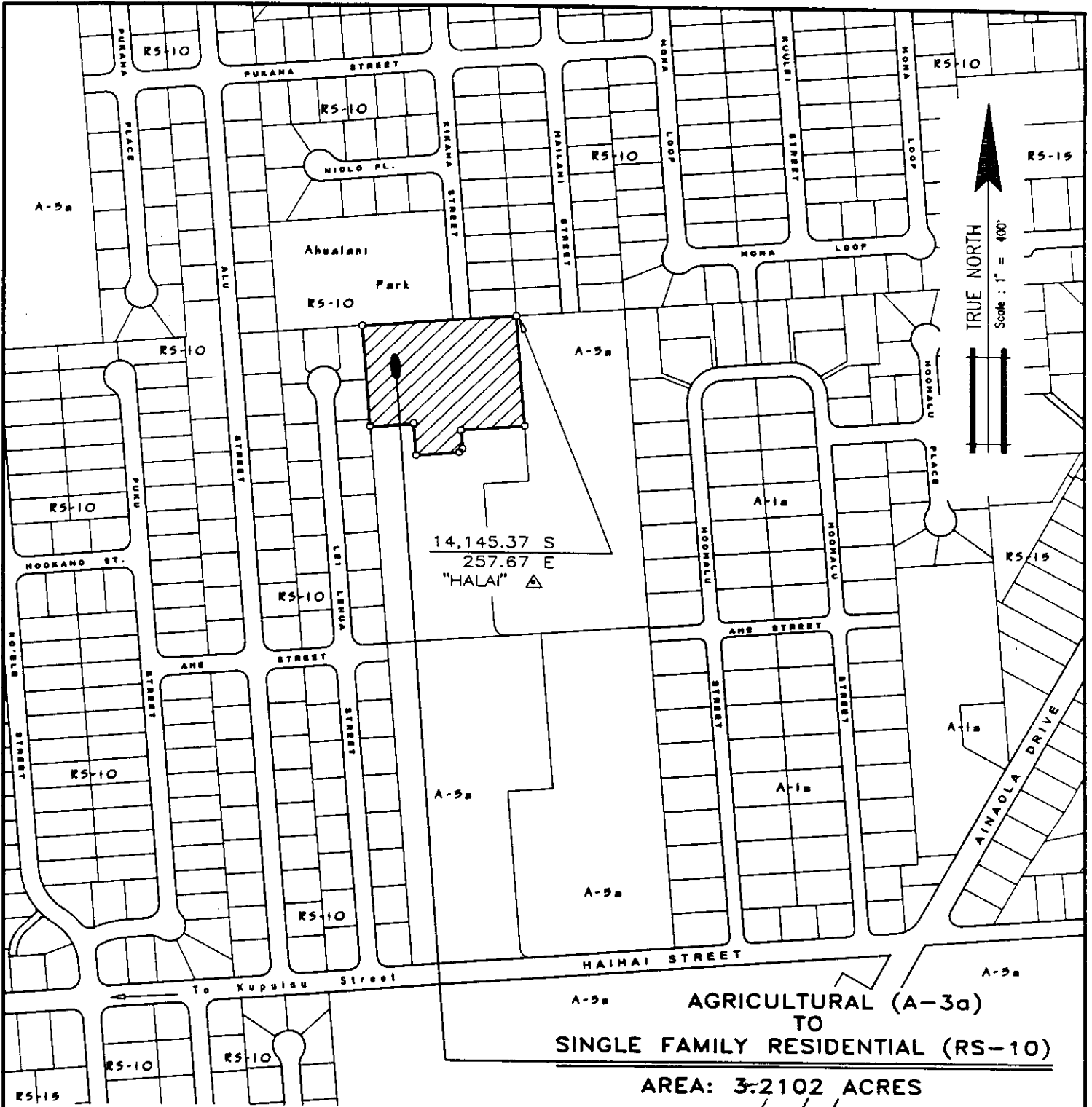
APPROVED AS TO FORM AND LEGALITY

Frederick Hea

CORPORATION COUNSEL

DATED: 6/20/96

DEPUTY



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 4)

Introduced By: Takashi Domingo
 Date Introduced: June 3, 1996
 First Reading: June 3, 1996
 Published: N/A

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	9	0	0	0

Second Reading: June 19, 1996
 To Mayor: June 20, 1996
 Returned: June 27, 1996
 Effective: June 27, 1996
 Published: July 8, 1996

REMARKS:


ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki			X	
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	8	0	1	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved / ~~Disapproved~~ this 27 day
 of June, 19 96


 MAYOR, COUNTY OF HAWAII

Bill No.: 270 (Draft 4)
 Reference: C-1158/Pc-121
 Ord. No.: 96 76